

AMENDED IN SENATE APRIL 9, 2012

**SENATE BILL**

**No. 1063**

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**Introduced by Senator Gaines**

February 13, 2012

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An act to add *and repeal* Section 115843.6~~to~~ of the Health and Safety Code, relating to reservoirs, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1063, as amended, Gaines. Bear Lake Reservoir: recreational use.

Existing law, with certain exceptions, prohibits recreational use in which there is bodily contact with water in a reservoir in which water is stored for domestic use, and establishes water standards for those exempted reservoirs.

This bill would, in addition, exempt from this prohibition recreational activity in which there is bodily contact with water by any participant in the Bear Lake Reservoir, and would establish standards in this regard, including water treatment, monitoring, and reporting requirements. *This bill would provide that these provisions would remain in effect only until January 1, 2016.*

This bill would make legislative findings and declarations as to the necessity of a special statute for the Bear Lake Reservoir.

*This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 115843.6 is added to the Health and Safety Code, to read:

115843.6. (a) In the Bear Lake Reservoir, recreational uses shall not include recreation in which any participant has bodily contact with the water, unless all of the following conditions are satisfied:

(1) The water shall receive complete water treatment, including coagulation, flocculation, sedimentation, filtration, and disinfection, or an alternative filtration system that provides an equivalent degree of pathogen removal in compliance with all applicable department regulations before being used for domestic purposes.

(2) The reservoir is operated in compliance with regulations of the department.

(b) The recreational use of Bear Lake Reservoir shall be subject to additional conditions and restrictions adopted by the entity operating the water supply reservoir, or required by the department, that are required to further protect or enhance the public health and safety and do not conflict with regulations of the department. The department shall, prior to requiring any additional conditions and restrictions, consult with the entity operating the water supply reservoir regarding the proposed conditions and restrictions at least 60 days prior to the effective date of those conditions and restrictions.

(c) The Lake Alpine Water Company shall file, on or before January 1, ~~2014~~ 2015, with the department, a report on the recreational uses at Bear Lake Reservoir and the water treatment program for that reservoir. That report shall include, but is not limited to, all of the following information:

(1) The estimated levels and types of recreational uses at the reservoir on a monthly basis.

(2) A summary of monitoring in the Bear Lake Reservoir for bacteria.

(3) The most current sanitary survey of the watershed and water quality monitoring.

(4) Annual reports as required by the water permit issued by the department.

(5) The reservoir management plan and the operations plan.

1 (6) The annual water reports submitted to the consumers each  
2 year.

3 (d) If there is a change in operation of the treatment facility or  
4 a change in the quantity of water to be treated at the treatment  
5 facility, the department may require the entity operating the water  
6 supply reservoir to file a report that includes, but is not limited to,  
7 the information required pursuant to subdivision (c), and the entity  
8 shall demonstrate to the satisfaction of the department that water  
9 quality will not be adversely affected.

10 (e) *This section shall remain in effect only until January 1, 2016,*  
11 *and as of that date is repealed, unless a later enacted statute, that*  
12 *is enacted before January 1, 2016, deletes or extends that date.*

13 SEC. 2. The Legislature finds and declares that a special law  
14 is necessary and that a general law cannot be made applicable  
15 within the meaning of Section 16 of Article IV of the California  
16 Constitution because of the unique circumstances in the Bear Lake  
17 Reservoir. The facts constituting the special circumstances are:

18 Recreational activities have occurred at Bear Lake Reservoir  
19 but ceased due to the requirements of Section 115825 of the Health  
20 and Safety Code. The Lake Alpine Water Company will continue  
21 effective water treatment through microfiltration and ~~ozonation~~  
22 *disinfection* in order for bodily contact to resume, and the company  
23 will provide information to the Legislature regarding certain issues  
24 to ensure that any recreational uses at the reservoir do not affect  
25 the provision of domestic water to *district* customers.

26 SEC. 3. *This act is an urgency statute necessary for the*  
27 *immediate preservation of the public peace, health, or safety within*  
28 *the meaning of Article IV of the Constitution and shall go into*  
29 *immediate effect. The facts constituting the necessity are:*

30 *In order to ensure that the residents of the Bear Lake Reservoir*  
31 *community are able to utilize the reservoir during the summer*  
32 *season in the manner they have previously, it is necessary that this*  
33 *act take effect immediately.*